UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff, v. **Francisco Octavio MEJIA-Castro** Defendant.	Magistrate Case No. 07 MJ 2951
	COMPLAINT FOR VIOLATION OF:
	Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien(s) Without Presentation
	Title 8, U.S.C., Section 1324(a)(2)(B)(ii)- Bringing in Aliens for Financial Gain

The undersigned complainant being duly sworn states:

Count I

On or about **December 19, 2007**, within the Southern District of California, defendant **Francisco Octavio MEJIA-Castro**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Manuela CRUZ-Alvarez and Felipe CANO-Velasco**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **December 19, 2007**, within the Southern District of California, defendant **Francisco Octavio MEJIA-Castro,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Abdiaz DOMINGUEZ-Herrera, Lourdes GUZMAN-Cota, Manuela CRUZ-Alvarez and Felipe CANO-Velasco** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21ST** DAY OF **December, 2007.**

UNITED STATES MAGISTRATE JUDGE

SLF

PROBABLE CAUSE STATEMENT

The complainant states that **Abdiaz DOMINGUEZ-Herrera, Lourdes GUZMAN-Cota, Manuela CRUZ-Alvarez** and **Felipe CANO-Velasco** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On December 19, 2007, at about 9:26 p.m., **Francisco Octavio MEJIA-Castro (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry driving a stolen Chevrolet Impala. Three visible passengers accompanied Defendant, two of which are now identified as material witnesses **Abdiaz DOMINGUEZ-Herrera (MW1) and Lourdes GUZMAN-Cota (MW2)**. Upon inspection before a United States Customs and Border Protection (CBP) Officer, Defendant presented as his own a Form I-551 (Permanent Resident Card) bearing the name Fermin Monroy Valdovines. Defendant also presented Border Crossing Cards, bearing the names Francisco Gallegos Silva, Guadalupe Limas De Silerio and Maria Elena Portillo De Murillo on behalf of MW1, MW2 and the other passenger, respectively. Defendant gave a negative customs declaration and stated he intended to travel to Chula Vista, California. Defendant was not able to open the vehicle trunk, therefore the inspecting officer elected to escort the vehicle and its occupants to secondary inspection.

In secondary, Defendant was confirmed to be an impostor to the document presented and determined to be an undocumented citizen of Mexico, who has been previously ordered removed from the United States. MW1, MW2, and the other visible passenger were also determined to be imposters to the Border Crossing Cards presented on their behalf. Upon inspection of the vehicle, four human beings were discovered concealed in the trunk. Two were retained as material witnesses and are now identified as **Manuela CRUZ-Alvarez (MW3)** and **Felipe CANO-Velasco (MW4)**. All were determined to be undocumented aliens and citizens of Mexico.

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted he is aware the passengers are undocumented aliens and that he presented the Border Crossing Cards on their behalf, knowing that the documents did not belong to them. Defendant admitted he is not the rightful holder of the Permanent Resident Card he presented as his own and that he does not have documents to legally enter the United States. Defendant denied knowledge of the aliens concealed in the trunk. Defendant admitted he was to receive a payment of $1,000.00 USD to deliver the vehicle and passengers to a parking lot near Palomar Street in Chula Vista, California.

On separate videotaped interviews, the material witnesses declared they are citizens of Mexico without legal rights to enter the United States. Material witnesses stated they were to pay fees ranging from $1,500.00 to $3,500.00 to be smuggled in the United States. All material witnesses stated they intended to travel to California.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and Border Protection Enforcement Officer

UNITED STATES MAGISTRATE JUDGE